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JUN 17 2004

Federal Communications Commission
Office of the Secretary

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
445 12TH STREET SW
WASHINGTON, DC 20554

6-7-04

RE: E-rate Decision Appeal Pike County Board of Education SLD # 355046

Dear Secretary,

Valcom Business Centers of Abbeville, Alabama is an aggrieved party in the Administrator's Decision on Appeal for funding request number 956825 dated December 15, 2003 is requesting a waiver of the 60 day deadline stated in the this letter of appeal denial.

Pike County School Board requested funding for cellular service on FRN# 956825 and used an incorrect spin number on the application. Valcom Business Centers has its own spin number for internal connections which is 143005808. Valcom is also a dealer / reseller for Southern Linc cellular services which has a separate spin number of 143000842. The application should have been completed using Spin number 143000842 with Southern Linc being the provider, as Valcom was acting as the reseller of the cellular service. This was an honest mistake because Valcom has submitted other bids to Pike County for computer equipment and internal connections type items and used spin number 143005808 for those rfp's. This particular bid was for telecommunications services which we were low bidder and it is not clear if the applicant understood which spin number to use in order to get funded for telecommunications services.

We are seeking a waiver of the 60 day appeal deadline stated in the denial letter so that this clerical mistake can be corrected. Pike County School Board purchased the cellular service in good faith and used it for this funding year, and was not able to take advantage of e-rate funding to help pay for a portion of the service because their application was denied because of using the wrong spin number. I personally want to attempt to correct this error and to assist in any way possible to help Pike County School Board with this funding denial.

Sincerely,

Glenn Williams
Vice President
Valcom (800-239-8399 ex 11)
Gwilliams@valcom-hfc.com

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TOM HICKS

USAC

Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2003-2004

December 15, 2003

Mark Bazzell, Ph.D.
Pike County School District
101 W. Love Street
Troy, AL 36081-2613

Re: Billed Entity Number: 128079
471 Application Number: 355046
Funding Request Number(s): 956825
Your Correspondence Dated: May 21, 2003

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year 2003 Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number: 956825
Decision on Appeal: Denied in full
Explanation:

- In your letter of appeal, you state that you were not informed that the SPIN you used was not eligible for Telecommunications services. You indicate that if you had been notified by SLD that the SPIN used was not a valid Telecommunications SPIN, you would immediately have requested a SPIN change. You have attached a SPIN change requesting that the provider be changed from Valcom Business Centers to Southern Linc, Inc.
- Upon review of this appeal, it has been confirmed that Valcom Business Centers, SPIN: 143005808 reflected on Block 5 of application #355046, has been deemed to be an ineligible Telecommunications provider because they do not offer Telecommunications services on a common carrier basis. Program rules stipulate that to be eligible to receive universal service support for Telecommunications services, the provider must provide Telecommunications services on a common carrier basis. It is the responsibility of the applicant to ensure that all Forms are


submitted to SLD in a timely and correct manner. Your appeal provides additional corrected information that contradicts information originally submitted on the Form 471 application. Corrections cannot be made to the information submitted once an application has been committed unless there was an error on the part of the SLD.

- Your Form 471 indicated that you selected an ineligible telecommunications provider: Valcom Business Centers. FCC regulations provide that only telecommunications carriers are eligible for universal service support. See 47 C.F.R. § 54.501(a). FCC regulations define telecommunications carriers as any provider of telecommunications services, and telecommunications services as "the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used." 47 C.F.R. § 54.5(g), (h). Because this mirrors the common law definition of a "common carrier," the FCC has determined that to be eligible to receive universal service support, the provider must provide telecommunications services on a common carrier basis. See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Report and Order* 12 FCC Rcd 8776 (1997) at ¶ 134. Moreover, the service provider that you selected does not fall within the FCC's permitted exception for non-telecommunications carriers. See § 54.517 *et seq.*
- SLD's review of your application determined that the telecommunications provider you selected is not eligible to receive universal service support because it does not provide telecommunications services on a common carrier basis. You did not demonstrate in your appeal that the telecommunications provider you selected is an eligible provider. Consequently, SLD denies your appeal.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company



Mon Jun 14 09:17:40 2004

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Page: 1

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[Fax: 4 pages]

Facsimile Cover Sheet

| | |
|---|-----------------------------|
| To: | Greg Lipscomb |
| Company: | FCC |
| Phone: | |
| Fax: | 402 202-418-6952 |
| From: | GLENN WILLIAMS |
| Company: | VALCOM BUSINESS CENTER |
| Phone: | 334-585-2239 ext 11 |
| Fax: | 334-585-3165 |
| Date: | 6-10 |
| Pages including this cover page: | 3 |

Comments:

Greg,

My mailing address is

Glenn Williams

Valcom

P.O. Box 639

Abbeville, AL 36310

Thanks
Glenn